

MARK RUMOLD (SBN 279060)
mark@eff.org
NATHAN D. CARDOZO (SBN 259097)
nate@eff.org
AARON MACKEY (SBN 286647)
amackey@eff.org
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Telephone: (415) 436-9333
Facsimile: (415) 436-9993

Attorneys for Plaintiff
ELECTRONIC FRONTIER FOUNDATION

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ELECTRONIC FRONTIER FOUNDATION,) Case No. 16-cv-02041-HSG
)
 Plaintiff,)
)
 v.)
)
)
UNITED STATES DEPARTMENT)
OF JUSTICE,)
)
 Defendant.)
)

Pursuant to L. R. 7-12, Plaintiff Electronic Frontier Foundation (“EFF”) and Defendant United States Department of Justice provide the following status report, stipulate to the proposed briefing schedule for cross-motions for summary judgment in this case as outlined below, and request that the Court order the same. In support, the parties state as follows:

The Joint Case Management Statement (JCMS) filed on January 8, 2018 (ECF No. 57) stated that Defendant was processing the third and final batch of documents in response to Plaintiff’s narrowed Freedom of Information Act (FOIA) request with the goal of producing documents, where appropriate, by January 30, 2018. Defendant met its processing deadline, producing 13 redacted records to Plaintiff and withholding an additional 26 documents in full.

The Court’s Dec. 19, 2017 Order (ECF No. 56) stated that once Defendant completed processing of that final set of records, the parties should confer and file a joint status report setting forth a summary judgment briefing schedule in this case by February 16, 2018.

The parties have conferred and narrowed the issues that remain in dispute, but they are unable to agree on several issues, including but not limited to, Defendant’s withholdings of certain records, in full and in part, pursuant to claimed exemptions under FOIA. Because summary judgment is necessary to resolve those issues, the parties have reached agreement on a schedule as follows:

May 24, 2018	Defendant’s Motion for Summary Judgment (30 pages)
June 21, 2018	Plaintiff’s Combined Cross-Motion for Summary Judgment/Opposition to Defendant’s Motion (40 pages)
July 19, 2018	Defendant’s Combined Opposition to Plaintiff’s Motion/Reply in Support of Their Motion for Summary Judgment (35 pages)
August 9, 2018	Plaintiff’s Reply in Support of Its Motion for Summary Judgment (25 pages)
August 23, 2018	Requested Hearing Date

1 February 16, 2018

Respectfully submitted,

2 By /s/ Aaron Mackey
Aaron Mackey

3 ELECTRONIC FRONTIER FOUNDATION
4 815 Eddy Street
San Francisco, CA 94109

5 *Attorneys for Plaintiff*

6 February 16, 2018

Respectfully submitted,

7 CHAD A. READLER
8 Acting Assistant Attorney General

9 BRIAN STRETCH
10 United States Attorney

11 ELIZABETH J. SHAPIRO
12 Deputy Branch Director

13 By /s/
14 RODNEY PATTON
Senior Trial Counsel
15 JULIA A. BERMAN
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20001

16 *Attorneys for Defendant*

17 **DECLARATION PURSUANT TO LOCAL RULE 5-1(I)(3)**

18 Pursuant to Civil L.R. 5-1(i)(3), I, Aaron Mackey, declare that I obtained the concurrence of
19 Rodney Patton, counsel for Defendant, United States Department of Justice, in the filing of this
20 document.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct. Executed this 16th day of February, 2018 in San Francisco, California

23 DATED: February 16, 2018

Respectfully submitted,

24 By /s/ Aaron Mackey
Aaron Mackey

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall file their summary judgment briefs in accordance with the schedule above.

DATED: February 20, 2018

Haywood S. Gill Jr.

Hon. HAYWOOD S. GILLIAM, JR.
United States District Court Judge